

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

JENNIFER RACHEL BAISDEN,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00503

MARTIN J. O'MALLEY,

Commissioner of Social Security,

Defendant.

ORDER

This action was referred to United States Magistrate Judge Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On August 27, 2024, Judge Tinsley submitted his Proposed Findings & Recommendations (“PF&R”), [ECF No. 10], and recommended that the court (1) **grant** Plaintiff’s request to reverse the Commissioner’s decision, (2) **deny** the Commissioner’s request to affirm his decision, (3) **reverse** the final decision of the Commissioner, and (4) **remand** for further administrative proceedings. *Id.* At the latest, objections to the PF&R were due by September 13, 2024, but neither party filed any objections.

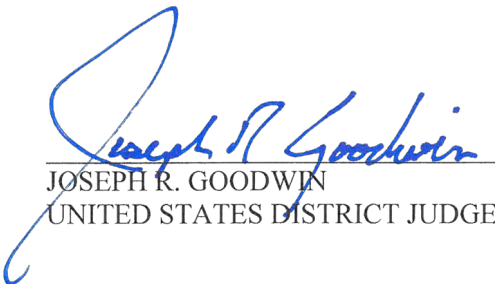
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** Plaintiff's request to reverse the Commissioner's decision, [ECF No. 7]; **DENIES** the Commissioner's request to affirm his decision, [ECF No. 8]; **REVERSES** the final decision of the Commissioner, and **REMANDS** the matter pursuant to sentence four of 42 U.S.C. § 405(g) ("The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.").

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 19, 2024



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE